FOR DISCUSSION: THIS POLICY HAS NO SUGGESTED LEGAL UPDATE - KEEP OR REMOVE?

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PERSONNEL - CERTIFIED/NON-CERTIFIED

EMERGENCY/PERSONAL LEAVE

I. Definitions

"Family violence" means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family or household members. Verbal abuse or arguments generally will not constitute "family violence" unless there is a present danger and the likelihood that physical violence will occur.

"Leave" includes paid or unpaid leave which may include, but is not limited to, compensatory time, vacation time, personal days off or other time off.

II. Leave for Family Violence Victims

At times an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual's situation. The time period shall be determined through collaboration/cooperation/discussion with the employee.

The Board of Education shall allow family violence victims to take paid or unpaid leave (including compensatory time, vacation time, personal days, or other time off) during any calendar year in which the leave is reasonably necessary to:

1. seek medical care or psychological or other counseling for physical or psychological injury or disability,
2. obtain services from a victim services organization,
3. relocate due to the family violence, or
4. participate in any civil or criminal proceeding related to or resulting from such family violence.

Unpaid leave, for the reasons cited above, shall be limited to 12 days per calendar year. However, leave for any of the four reasons cited above, shall not be affected by any other leave provided under state or federal law.

In providing leave to family violence victims, the following guidelines are to be followed:

1. The employee seeking leave shall provide up to seven days notice to the District/Superintendent or his/her designee when the need to use leave is foreseeable and as soon as practicable when it is not.
2. The employee shall provide the District with a signed written statement certifying that the leave is for a purpose authorized under P.A. 10-144.
3. The District may request that the employee provide:
    a. police or court record related to the family violence, or
    b. signed written statement that the employee is a victim of family violence from the employee or an agent of a victim services organization, an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, licensed medical professional, or other licensed professional from whom the employee has sought assistance with respect to the family violence.
4. The District/Superintendent or his/her designee shall keep any such written statement or police or court record confidential.
5. The District/Superintendent or his/her designee will not further disclose the information except as required by law or as necessary to protect the employee's safety in the workplace, but in these situations the employee must be given notice before the disclosure.
6. The District/Superintendent or his/her designee may provide, if it so chooses, more leave than required by P.A. 10-144.
7. The rights of the employee under the terms of the employee's employment or collective bargaining agreement, in effect on October 1, 2010, shall not be diminished or preempted.

In addition, in compliance with P.A. 10-144, the District is not required to provide paid leave if:

1. the employee is not entitled to paid leave pursuant to the terms and conditions of his or her employment, or
2. the paid leave exceeds the maximum amount of leave due the employee during any calendar year. However, the Act requires the employer to provide unpaid leave if paid leave is exhausted or not provided.

Legal Reference: Connecticut General Statutes

46b-15 Relief from physical abuse by family or household member or person in dating relationship. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies.

46b-38a Family violence prevention and response: Definitions

54-85b Employment protection for witnesses and victims of crime. Penalty. Action for damages and reinstatement.

P.A. 10-144 An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence.

Policy adopted: May 22, 2012

Colchester Public Schools
Colchester, CT